

## **EXHIBIT 3**



# Chawanakee Joint School District

Philip O. Pendley, Ed. D., Superintendent • [ppendley@chawanakee.k12.ca.us](mailto:ppendley@chawanakee.k12.ca.us)  
 P.O. Box 400 • 33173 Road 222 #4, #10 • North Fork, California 93643 • (559) 877-6209 Fax (559) 877-4802

Members of the Board of Trustees:  
 Barbara Bigelow • Claudia Box • Larry Myers • Dale Overbay • Roy Robinette • Jeff Runney • Chuck Thrapp

July 26, 2001

**Letter of Appeal**  
 Schools and Libraries Division  
 Box 125, Correspondence Unit  
 80 South Jefferson Rd.  
 Whippany, NJ 07981

**RE: Applicant Name: Chawanakee Joint Elementary School District**  
**Form 471: Application Number 229391**  
**Billed Entity Number: 144045**

To Whom It May Concern:

This letter is to appeal the SLD decision for Funding Year 4 not to allow the application listed above to be considered inside the application window. The stated reason for the denial was:

"...your application was received by the Schools and Libraries Division/USAC after the 2001-2001 filing window closed at 11:59 p.m. ET on January 18, 2001."

The district's application was submitted on-line to the SLD/USAC web site on January 17, 2001. (See attached verification.) On January 18<sup>th</sup> arrangements were made with Federal Express for a regular pick up of the signature page and attachments. During this day (January 18<sup>th</sup>), rolling blackouts struck the Central Valley including Fresno, where the central Federal Express office is located.  
<http://www.fresnobee.com/localnews/story/0.1724.231320.00.html>

Because of the problems caused by this blackout, Federal Express was not able to make the pick up as scheduled. Unfortunately, the district did not find out that this pick up would not happen in time to arrange for an alternative pick up of the package or in time to take it to the post office for a January 18<sup>th</sup> postmark.

We feel that the massive power outages in California that caused this problem should be considered as an act of God that was outside the power of the district to control. Forces beyond our control caused us to miss the deadline for sending the attachments. We know that Madera Unified School District and Caruthers Unified School District, both served by the Fresno office of Federal Express, suffered this same fate.

As Chawanakee Joint Elementary School District did meet the deadline for the submission of the application on-line, as shown on the web site, we ask that the SLD reverse its decision and allow this application to be accepted.

**Contact Information:**

Mr. Craig Treber, Technology Director, Chawanakee Joint Elementary School District  
 33173 Road 222 #4, North Fork, CA 93643  
 Email: [ctreber@chawanakee.k12.ca.us](mailto:ctreber@chawanakee.k12.ca.us) Phone: 559-877-4107 Fax: 559-877-7147

Sincerely,

Craig Treber  
 Technology Director

Chawanakee Joint School District  
 DMOT Office  
 32996 Road 228 • P.O. Box 400  
 North Fork, California 93643  
 (559) 877-7144  
 FAX (559) 877-7147

North Fork School  
 33087 Road 228 • P.O. Box 707  
 North Fork, California 93643  
 (559) 877-2215  
 FAX (559) 877-2377

Sierra View School  
 16436 Paula Road  
 Madera, California 93638  
 (559) 645-1122  
 FAX (559) 645-5161

Spring Valley School  
 46655 Road 200 • P.O. Box 9  
 O'Neals, California 93645  
 (559) 868-3343  
 FAX (559) 868-3407  
 TOTAL P. 02

**Schools and Libraries Universal Service Program  
Services Ordered and Certification Form 471  
Application Display****Block 2 & 3****Block 4****Block 5****Block 6****Misc**

471 Application No: 229391

Funding Year: 07/01/2001 - 06/30/2002

Appl. Postmark Date: 01/17/2001

Applicant's Form Identifier: chaw471yr4

<b>Billed Entity Number: 144045</b>	
<b>Applicant Name: CHAWANAKEE JT ELEM SCHOOL DIST</b> <b>Address: 33173 ROAD 222 # 4</b> <b>City: NORTH FORK State: CA Zip: 93643</b> <b>Phone: 559-877-4107 Ext:</b> <b>Fax Number: 559-877-7147</b> <b>E-mail: ctreber@chawanakee.k12.ca.us</b>	
<b>Contact Name: Craig Treber</b> <b>Address: 33173 ROAD 222 # 4</b> <b>City: NORTH FORK State: CA Zip: 93643</b> <b>Contact Phone: 559-877-4107 Ext:</b> <b>Contact Fax: 559-877-7147 Ext:</b> <b>E-mail: ctreber@chawanakee.k12.ca.us</b> <b>Contact Mode: FAX</b> <b>Alternate Contact Info.:</b>	
<b>Type of Application: SCHOOL DISTRICT</b>	<b>Ineligible Orgs: N</b>

## **EXHIBIT 4**

**USAC**UNIVERSAL SERVICE  
ADMINISTRATIVE CO.Box 125 - Correspondence Unit  
100 South Jefferson Road  
Whippany, New Jersey 07981

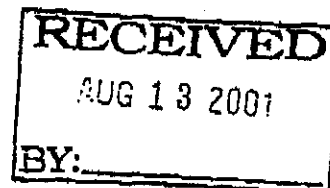
RECEIVED AUG 17 2001

SLD  
Appeal Letter

SCHOOLS AND LIBRARIES DIVISION

**Administrator's Decision on Waiver Request**

August 6, 2001

Craig Treber  
Technology Director  
Chawanakee Joint School District  
P.O. Box 400  
33173 Road 222 #4, #10  
North Fork, California 93643

Re: Your Request for Waiver of Application Window For Program Year 4 2001-2002

Application Number: 229391

Date Request Received: August 9, 2001

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal to the FCC at the following address:

**Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, DC 20554**

You must file an appeal with the FCC no later than 30 days from the date of this letter, in order for your appeal to be considered by the FCC.

Schools and Libraries Division  
Universal Service Administrative Company

## **EXHIBIT 5**

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Judy Boley  
Federal Communications Commission  
445 12th Street SW.  
Room 1-C804  
Washington, DC 20554

09/01/2000

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 07/21/2000.

TITLE: Universal Service - Schools and Libraries  
Universal Service Program

AGENCY FORM NUMBER(S): FCC-470,FCC-471

ACTION : Approved  
OMB NO.: 3060-0806  
EXPIRATION DATE: 09/30/2003

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	60,000	440,000	0
New	60,000	440,000	0
Difference	0	0	0
Program Change		0	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

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OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

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Sent electronically, 09/05/2000 14:13:04

## PAPERWORK ACTION SUMMARY

01 SEP 2000

PAGE 1

B NUMBER: 3060-0806

P DATE : 3 Yrs

TLE : Universal Service - Schools and Libraries Universal Service  
Program

TION TAKEN: Approved

ANGES FROM AGENCY SUBMISSION:

NE

W TERMS OF CLEARANCE: NONE

TES: *This collection is used by the Commission to determine the  
eligibility of schools and libraries ~~to receive~~ for the universal service fund.  
No public comments received.*

SIGNATURES AND DATES:

DESK OFFICER

OIRA

*Edward C. Frazier*DATE: *9/1/00*

DATE: \_\_\_\_\_



PAPERWORK REVIEW WORKSHEET

21 JUL 2000  
PAGE 1

B NUMBER : 3060-0806  
VIEW TYPE: Regular  
C. TYPE : Extension

RECEIVED: 07/21/2000  
DUE DATE: 09/19/2000  
DESK OFFICER: Edward C. Springer

ENCY : Federal Communications Commission  
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TLE: Universal Service - Schools and Libraries Universal Service  
Program

ENCY FORM NUMBER(S): FCC-470,FCC-471

YWORDS: REPORTING REQUIREMENTS  
UNIVERSAL SERVICE.  
SUPPORT  
SCHOOLS  
LIBRARIES  
TELECOMMUNICATIONS CARRIERS  
TELECOMMUNICATIONS ACT OF 1996

STRACT: The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Administrator via FCC Form 470. FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, internet access, and internal connections. The information is used to determine eligibility.

IGATION TO RESP: P Required for benefits

SMALL ENTITIES: No  
STATISTICAL METHODS: No

PUB: P Not-for-profit institutions  
Business or other for-profit  
State, Local or Tribal Government

PURPOSE: P Appl for benefits  
Reg or compliance

QUIREMENTS: Recordkeeping  
Third party disclosure  
Reporting frequency:  
On occassion

## PAPERWORK REVIEW WORKSHEET

21 JUL 2000  
PAGE 2

B NUMBER: 3060-0806

TLE: Universal Service - Schools and Libraries Universal Service  
Program

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	CURRENT RECORD 07/31/2000	REQUEST 3 Yrs
PIRATION DATE:		
-----		
NUAL HOUR BURDEN:		
Number of respondents	60,000	60,000
Total annual responses	60,000	60,000
% Collected electronically	90 %	90 %
Burden Hours	440,000	440,000
Difference		0
Explanation of Difference		
1. Program Change		0
2. Adjustment		0

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	CURRENT RECORD	REQUEST
NUAL COST BURDEN:		
Capital/Startup Costs	0	0
Annual Costs (O&M)	0	0
Total Annualized Cost	0	0
Difference		0
Explanation of difference		
1. Program change		0
2. Adjustment		0

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ST ACTION: Emergency Extension

LAST ACTION DATE: 06/21/2000

## LISTING TERMS OF CLEARANCE:

This information collection is approved subject to the following term of clearance:

1. On both FCC Form 470 and on FCC Form 471, the FCC shall clearly display at the top of the forms the following PRA disclosure statement: "An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection is #3060-0806."

# PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two (2) copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17<sup>th</sup> Street, NW Washington, DC

<p>1. Agency/Subagency originating request  <b>Federal Communications Commission  Common Carrier Bureau</b></p>	<p>2. OMB control number  a. 3060 - 0806      b. <del>None</del></p>
<p>3. Type of information collection (check one)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input checked="" type="checkbox"/> Extension of currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement Instructions</p>	<p>4. Type of review requested (check one)</p> <p>a. <input checked="" type="checkbox"/> Regular Submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by <u>Jul 21 2000</u></p> <p>c. <input type="checkbox"/> Delegated</p> <p>5. Will this information collection have a significant impact on a substantial number of small entities?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>6. Requested expiration date</p> <p>a. <input checked="" type="checkbox"/> Three years from approval date</p> <p>b. <input type="checkbox"/> Other: _____</p>

7. Title  
**Universal Service - Schools and Libraries Universal Service Program**

8. Agency form number(s) (if applicable)  
**FCC Forms 470 and 471**

9. Keywords  
**'reporting requirements, universal service, support, schools, libraries, telecommunications carriers, Telecommunications Act of 1996'**

10. Abstract  
The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Administrator via FCC Form 470. FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, Internet access, and internal connections. The information is used to determine eligibility.

<p>11. Affected public (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input type="checkbox"/> Individuals or household      d. <input type="checkbox"/> Farms</p> <p>b. <input checked="" type="checkbox"/> Business or other for-profit      e. <input type="checkbox"/> Federal Government</p> <p>c. <input checked="" type="checkbox"/> Not-for-profit institutions      f. <input checked="" type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (check one)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input checked="" type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
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<p>13. Annual recordkeeping and reporting hour burden</p> <p>a. Number of respondents      <u>60,000</u></p> <p>b. Total annual responses      <u>60,000</u></p> <p>    1. Percentage of those responses Collected electronically      <u>90</u> %</p> <p>c. Total annual hours requested      <u>440,000</u></p> <p>d. Current OMB inventory      <u>440,000</u></p> <p>e. Difference (+, -)      <u>0</u></p> <p>f. Explanation of difference</p> <p>    1. Program change (+, -)      <u>0</u></p> <p>    2. Adjustment (+, -)      <u>0</u></p>	<p>14. Annual reporting and recordkeeping cost burden (in thousands of dollars)</p> <p>a. Total annualized capital/startup costs      <u>0</u></p> <p>b. Total annual costs (O&amp;M)      <u>0</u></p> <p>c. Total annualized cost requested      <u>0</u></p> <p>d. Current OMB inventory      <u>0</u></p> <p>e. Difference (+, -)      <u>0</u></p> <p>g. Explanation of difference</p> <p>    1. Program change (+, -)      <u>0</u></p> <p>    2. Adjustment (+, -)      <u>0</u></p>
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<p>15. Purpose of information collection (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input checked="" type="checkbox"/> Application for benefits      e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation      f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics      g. <input checked="" type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (check all that apply)</p> <p>a. <input checked="" type="checkbox"/> Recordkeeping      b. <input checked="" type="checkbox"/> Third Party Disclosure</p> <p>c. <input checked="" type="checkbox"/> Reporting:</p> <p>    1. <input checked="" type="checkbox"/> On occasion      2. <input type="checkbox"/> Weekly      3. <input type="checkbox"/> Monthly</p> <p>    4. <input type="checkbox"/> Quarterly      5. <input type="checkbox"/> Semi-annually      6. <input type="checkbox"/> Annually</p> <p>    7. <input type="checkbox"/> Biennially      8. <input type="checkbox"/> Other</p>
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<p>17. Statistical methods:  Does this information collection employ statistical methods?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>	<p>18. Agency contact (person who can best answer questions regarding the content of this submission).</p> <p>Name: <b>Adrian Wright</b></p> <p>Phone: <b>202-418-0854</b></p>
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OMB CONTROL NUMBER:

3060- 0806

TITLE

Universal Service - Schools and Libraries Universal Service Program

**19. Certification for Paperwork Reduction Act Submission****A. PROGRAM OFFICIAL CERTIFICATION (Internal FCC Use Only)**

(1) Signature (FCC B/O Official)

(2) Date

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8 (b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under section 5 CFR 1320.8(b)(3) about:
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate
  - (iv) Nature of response (voluntary, required for a benefit, or mandatory)
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number.
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology (if applicable); and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

**B. SENIOR OFFICIAL OR DESIGNEE CERTIFICATION**

(1) Signature (FCC OMD)

(2) Date

JUL 21 2000

6712-01

**FEDERAL COMMUNICATIONS COMMISSION**

Notice of Public Information Collection(s) being Submitted to OMB for Review and Approval.

**July 20 2000**

**SUMMARY:** The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before [insert date 30 days from publication in Federal Register]. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

**OMB Control Number:** 3060-0783

**Title:** 47 CFR Section 90.176, Coordination Notification Requirements on Frequencies Below 512 MHz

**Form Number:** N/A

**Type of Review:** Extension of a currently approved collection

**Respondents:** Business or other for-profit entities

**Number of Respondents:** 15

**Estimate Time Per Response:** 0.25 hours (multiple responses/annum)

**Frequency of Response:** On occasion reporting requirements; Third party disclosure

**Total Annual Burden:** 975 hours

**Total Annual Costs:** None

**Needs and Uses:** The reporting requirement in 47 CFR Section 90.176 is a result of comments sought in the Report and Order and Further Notice of Proposed Rule Making in PR Docket No. 92-235 and requires each Private Land Mobile frequency coordinator to provide, within one business day, a listing of their frequency recommendations to all other frequency coordinators in their respective pool, and, if requested, an engineering analysis. This requirement is necessary to avoid situations where harmful interference is created because two or more coordinators recommend the same frequency in the same area at approximately the same time to different applicants.

**OMB Control Number:** 3060-0806

**Title:** Universal Service – Schools and Libraries Universal Service Program

**Form Numbers:** FCC 470 and 471

**Type of Review:** Extension of a currently approved collection

**Respondents:** Not-for-profit institutions; Business or other for-profit entities; and State, local, or Tribal Government

**Number of Respondents:** 60,000

**Estimate Time Per Response:** 7.3 hours (avg.)

**Frequency of Response:** Recordkeeping; On occasion reporting requirements; Third party disclosure

**Total Annual Burden:** 440,000 hours

**Total Annual Costs:** None

**Needs and Uses:** The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Administrator via FCC Form 470. FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, Internet access, and internal connections.

**FEDERAL COMMUNICATIONS COMMISSION**

**Magalie Roman Salas,  
Secretary.**

itation  
5 FR 3234-01  
000 WL 38078 (F.R.)  
Cite as: 65 FR 3234)

Search Result

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## NOTICES

## FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Reviewed by the Federal  
Communications Commission, Comments Requested

Thursday, January 20, 2000

3234 January 11, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-3. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 20, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1-A804, Washington, DC 20554 or via the Internet to [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet



5 FR 3234-01

Cite as: 65 FR 3234, \*3234)

t lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0568.

Title: Commercial Leased Access Rates, Terms and Conditions.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents: Rule 76.970, 6,270; Rule 76.970(h), 6,270; Rule 76.971, 270; Rule 76.975(b), 30; Rule 76.975(c), 30, respectively.

Estimated Time Per Response: 4 hours; 10 hours; 1 hour; 4 hours; and 2 minutes, respectively.

Frequency of Response: Recordkeeping and Third Party Disclosure requirements.

Total Annual Burden: 94,171 hours.

Total Annual Costs: \$74,000.

Needs and Uses: The information is used by prospective leased access programmers and the Commission to verify rate calculations for leased access channels and to eliminate uncertainty in negotiations for leased commercial access. The Commission's leased access requirements are designed to promote diversity of programming and competition in programming delivery as required by section 612 of the Cable Television Consumer Protection and Competition Act of 1992.

OMB Control Number: 3060-0410.

Title: Forecast of Investment Usage Report and Actual Usage of Investment Report.

Form Number: FCC 495A and FCC 495B.

Type of Review: Extension.

Respondents: Business or other for profit.

Number of Respondents: 300.

Estimated Time Per Response: 40 hours.

Total Annual Burden: 12000 Hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: Annually.

Needs and Uses: The Forecast of Investment Usage and Actual Usage of Investment Reports are needed to detect and correct forecast errors that could lead to significant misallocation of network plant between regulated and nonregulated activities. FCC's purpose is to protect the regulated ratepayer from subsidizing the nonregulated activities of rate regulated telephone companies.

OMB Control Number: 3060-0056.

Title: Registration of Telephone and Data Terminal Equipment.

Form No.: FCC Form 730.

Type of Review: Extension.

55 FR 3234-01

(Cite as: 65 FR 3234, \*3234)

Respondents: Business or other for profit.  
Number of Respondents: 2400.  
Estimated Time Per Response: 24 hours.  
Total Annual Burden: 57,600 hours.  
Estimated Annual Reporting and Recordkeeping Cost Burden: \$2,700,000.  
Frequency of Response: On occasion.  
Needs and Uses: FCC Form 730 is used by equipment manufacturers to register telephone and data terminal equipment. Part 68 contains information collection requirements associated with the filing requirement. The information is used by the Commission staff to identify improperly designed equipment that may harm the nation's telephone network.  
OMB Control Number: 3060-0755.  
Title: Infrastructure Sharing--CC Docket No. 96-237.  
Form Number: N/A.  
Type of Review: Extension.  
Respondents: Business or other for profit.  
Number of Respondents: 1425.  
Estimated Time Per Response: 1.63 hours.  
Total Annual burden: 2325 hours.  
Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.  
Frequency of Response: On occasion; Third party disclosure.  
Needs and Uses: CC Docket No. 96-237 implemented section 259 of the Communications Act, as amended. Section 259 requires incumbent local exchange carriers (LECs) to file any arrangements showing the conditions under which they share infrastructure per section 259. Section 259 also requires incumbent LECs to provide information on deployments of new services and equipment to qualifying carriers. The Commission also requires incumbent LECs to provide 60 days notice prior to terminating section 259 agreements.  
OMB Control Number: 3060-0738.  
Title: Implementation of the Telecommunications Act of 1996: Electronic Publishing, and Alarm Monitoring Services, CC Docket No. 96-152.  
Form Number: N/A. \*3235  
Type of Review: Extension.  
Respondents: Business or other for profit.  
Number of Respondents: 7.  
Estimated Time Per Response: 3000 hours.  
Total Annual Burden: 21,000 hours.  
Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.  
Frequency of Response: Third party disclosure.  
Needs and Uses: The Commission imposes this third-party disclosure requirement on the BOCs in order to implement the nondiscrimination requirement of section 74(c)(2)(A) of the Communications Act, as amended. The Commission requires

5 FR 3234-01

Cite as: 65 FR 3234, \*3235)

that to the extent a BOC refers a customer to a separated affiliate, electronic publishing joint venture of affiliate during the normal course of its telemarketing operations, it must refer that customer to all unaffiliated electronic publishers requesting the referral service. In particular, the BOC must provide the customer the names of all unaffiliated electronic publishers, in random order.

OMB Control Number: 3060-0759.

Title: Implementation of Section 273 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

Form Number: N/A.

Type of Review: Extension.

Respondents: Business or other for profit.

Number of Respondents: 1425.

Estimated Time Per Response: 4.42 hours (avg.).

Total Annual Burden: 6300 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$231,000.

Frequency of Response: On occasion; recordkeeping; third party disclosure.

Needs and Uses: In CC Docket No. 96-254, the Commission issued a NPRM to initiate a proceeding to permit the BOCs to manufacture telecommunications and customer premises equipment on a competitive basis, pursuant to section 273 of the Communications Act of 1934, as amended. Under section 273, a BOC may provide telecommunications equipment and may manufacture both telecommunications equipment and CPE through a separate affiliate once the Commission authorizes the BOC to provide in-region, interLATA services pursuant to section 271. The Commission sought comment on procedures governing collaboration, research and royalty agreements, reporting of protocols and technical information, and disclosure of other information on network planning and design. The Commission sought comment on proposed measures to implement section 273.

OMB Control Number: 3060-0806.

Title: Universal Service--Schools and Libraries Universal Service Program.

Form Number: FCC Form 470 and FCC Form 471.

Type of Review: Extension.

Respondents: Business or other for profit; not for profit institutions; state, local or tribal government.

Number of Respondents: 60,000.

Estimated time Per Response: 7.3 hours (avg.).

Total Annual burden: 440,000 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion; recordkeeping; third party disclosure.

Needs and Uses: The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and

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libraries must submit a description of the services desired to the Administrator via FCC form 470. FCC Form 471 is submitted by schools and libraries that have ordered telecommunications services, Internet access, and internal connections.

OMB Control Number: 3060-0775.

Title: Separate Affiliate Requirement for Independent Local Exchange Carrier (LEC) Provision of International Interexchange Services--47 CFR 64.1901-4.1903.

Form Number: N/A.

Type of Review: Extension.

Respondents: Business or other for profit.

Number of Respondents: 10.

Estimated Time Per Response: 6056 hours (avg).

Total Annual Burden: 60,560 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$1,003,000.

Frequency of Response: Recordkeeping.

Needs and Uses: Independent LECs wishing to offer international, interexchange services must maintain books of account separate from such LECs' local exchange and other activities. This regulation does not require that the affiliate maintain books of account that comply with the Commission's Part 32 rules; rather, it refers to the fact that as a separate legal entity, the international, interexchange affiliate must maintain its own books of account in the ordinary course of its business. The recordkeeping requirement is used by the Commission to ensure that independent LECs providing international, interexchange services through a separate affiliate are in compliance with the Communications Act, as amended and with Commission policies and regulations.

OMB Control Number: 3060-0710.

Title: Policy and Rules Concerning the Implementation of the Local Competition Provisions in the Telecommunications Act of 1996--CC Docket No. 96-98.

Form Number: N/A.

Type of Review: Extension.

Respondents: Business or other for profit.

Number of Respondents: 12,250.

Estimated Time Per Response: 124.86 hours (avg.).

Total Annual Burden: 1,529,620 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$937,000,000.

Frequency of Response: On occasion; Recordkeeping; Third party disclosure.

Needs and Uses: In CC Docket No. 96-98, the Commission adopted rules and regulations to implement parts of sections 251 and 252 that effect local competition. Specifically, the Order requires incumbent local exchange carriers to offer interconnection, unbundled network elements, transport and termination and wholesale rates for retail services to new entrants; that incumbent LECs price such services at rates that are cost-based and just and reasonable; and

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that they provide access to rights-of-way as well as establish reciprocal compensation arrangements for the transport and termination of telecommunications traffic. All the requirements are used to ensure that local exchange carriers comply with their obligations under the Communications Act of 1934, as amended.

OMB Control Number: 3060-0762.

Title: Section 274(b)(3)(B)--Written Contracts Filed with the Commission and Made Publicly Available.

Form Number: N/A.

Type of Review: Extension.

Respondents: Business or other for profit.

Number of Respondents: 4200.

Estimated Time Per Response: .75 hours (avg.).

Total Annual Burden: 3150 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion; third party disclosure.

Needs and Uses: Section 274(b)(3)(B) of the Communications Act of 1934, as amended, requires a separated affiliate or electronic publishing joint venture established pursuant to section 274(a) and its affiliated BOC "to carry out 236 transactions \* \* \* pursuant to written contracts or tariffs that are filed with the Commission and made publicly available." The Commission issued a PRM in CC Docket No. 96-152 which sought comment on the meaning of certain terms in section 274 of the Telecommunications Act of 1996 which governs BOCs provision of electronic publishing services and on several collections. Federal Communications Commission.

Galie Roman Salas,

Secretary.

R Doc. 00-1333 Filed 1-19-00; 8:45 am]

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END OF DOCUMENT

## SUPPORTING STATEMENT

FCC Universal Service Forms: FCC Form 470 and Form 471.

### A. Justification

1. On November, 8, 1996, the Joint Board released a recommended Decision in which it made recommendations to assist and counsel the Commission in the creation of an effective universal support mechanism that would ensure that the goals of affordable, quality service and access to advanced services are met by means that enhance competition. On May 8, 1997, the Commission adopted rules providing discounts on all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit FCC Forms 470 and 471.

#### a. Submission of FCC Form 470 "Description of Service Requested and Certification."

Schools and libraries ordering telecommunications services, Internet access, and internal connections under the universal service discount program must submit a description of the services desired to the Administrator. Schools and libraries may use the same description they use to meet the requirement that they generally face to solicit competitive bids. The Administrator will post those Form 470 forms that request new services on a website for all potential competing service providers to see and respond to as if they were requests for proposals (RFPs). 47 C.F.R. § 54.505(b)(2), 47 C.F.R. § 54.504 (b)(3). Pursuant to section 254(h) of the Telecommunications Act of 1996, 47 U.S.C. § 254 (h), schools and libraries must certify under oath that: (1) the school or library is an eligible entity under section 254(h)(4); (2) the services requested will be used solely for education purposes; (3) the services will not be sold, resold, or transferred in consideration for money or any other thing of value; and (4) if the services are being purchased as part of an aggregated purchase with other entities, the identities of all co-purchasers and the portion of the services being purchased by the school or library. 47 C.F.R. § 54.504(b)(2). For schools ordering telecommunications services at the individual school level (i.e., primarily non-public schools), the person ordering such services should certify to the Administrator the percentage of students eligible in that school for the national school lunch program (or the other acceptable indicators of economic disadvantage determined by the Commission). This requirement arises in the context of determining which schools are eligible for greater discounts being offered to economically disadvantaged schools. For schools ordering telecommunications services at the school district level, the person ordering such services for the school district should certify to the Administrator the number of students in each of its schools eligible for the national school lunch program (or the other acceptable

indicators of economic disadvantages). This requirement also arises in the context of determining which schools are eligible for greater discounts being offered to economically disadvantaged schools. 47 C.F.R. § 54.505(b)(1). Schools and libraries must also certify that they have developed a technology plan that has been approved by an authorized entity. The technology plan should demonstrate that the applicant will be able to deploy any necessary hardware, software, and wiring, and to undertake any necessary teacher training required to use effectively the services ordered pursuant to the section 254(h) discount. 47 C.F.R. § 54.504(b)(2).

b. Submission of FCC Form 471 "Services Ordered and Certification."

Schools and libraries that have ordered telecommunication services, Internet access, and internal connections under the Universal Service Mechanism for Schools and Libraries must file FCC Form 471 with the Administrator. Form 471 requires schools and libraries to list all services that have been ordered and the funding needs for the current funding year. 47 C.F.R. § 54.504(b)(2). This form also gathers information from schools and libraries about the technology currently available to the entity and what is made possible by their application for universal service fund discounts.

2. All schools and libraries planning to order services eligible for universal service discounts must file FCC Forms 470 and 471. The purpose of this information is to help determine which schools and libraries are eligible for the greater discounts. Schools and libraries must certify to the Administrator that they have developed an approved technology plan via Form 471. This requirement is designed to help schools and libraries avoid the waste that might arise from requests for services that the schools and libraries would be unable to use for the educational purposes intended.
3. Applicants will be able to electronically file or mail their submissions. Copies of the forms will be available via the Administrator's website.
4. There will be no duplication of information. The information sought is unique to each respondent and similar information is not already available.
5. Entities directly subject to the requirements in the forms are primarily schools and libraries. The forms have been designed to impose the least possible burden on the respondents.
6. Failing to collect the information, or collecting it less frequently, would prevent the Commission from implementing section 254 of the 1996 Act and ensuring that the goals of affordable service and access to advanced services are met by means that enhance, rather than distort, competition.
7. Applicants are required to retain certain filings for five years. The records are needed in case the applicant is audited. If an applicant is audited, it should be able to demonstrate to the auditor how the entries in its application were provided.

8. Pursuant to 5 CFR 1320.8, the Commission placed a notice in the Federal Register. See 65 FR 3234, January 20, 2000. (Copy attached). No comments were received.
9. There will be no payments or gift to respondents.
10. The Commission is not requesting that the respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the respondents believe is confidential, respondents may request confidential treatment of such information under section 0.459 of the Commission's rules.
11. There are no questions of a sensitive nature with respect to the information collected.
12. The following represents the hour burden on the collections of information:
  - a. Submission of FCC Form 470 "Description of Service Requested and Certification."
    - (1) Number of respondents: Approximately 50,000 public school districts, private schools and public library systems.
    - (2) Frequency of response: On occasion. Each school and library must submit FCC Form 470, describing the services desired, to the Administrator.
    - (3) Annual burden per response: 4 hours. The total annual hour burden is 200,000 hours. This estimate includes the time needed for complying with the record retention requirement.
    - (4) Total estimate of the annualized cost to respondents for the hour burdens for collection of information: \$8,000,000.
    - (5) Explanation of calculation: We estimate that this obligation will take approximately 4 hours and will occur once a year for 50,000 schools and libraries.  $50,000$  (number of respondents)  $\times$   $1$  (number of submissions required)  $\times$   $4$  (hours to prepare form, including time for reading instructions)  $\times$   $\$40$  per hour (including administrative staff time and overhead) =  $\$8,000,000$ .
  - b. Submission of FCC Form 471 "Services Ordered, Certification, and Termination."
    - (1) Number of respondents: Approximately 60,000 public school districts, private schools and public library systems.
    - (2) Frequency of response: On occasion. Each school and library must submit FCC Form 471, describing the services desired, to the Administrator.
    - (3) Annual burden per response: 4 hours. The total annual hour burden is 240,000 hours. This estimate includes the time need for complying with the record retention requirement.
    - (4) Total estimate of the annualized cost to respondents for the hour burdens for collection of information: \$9,600,000.
    - (5) Explanation of calculation: We estimate that this obligation will take approximately 4 hours and will occur once a year for 60,000 schools and libraries.  $60,000$  (number of respondents)  $\times$   $1$  (number of submissions



required) x 4 (hours to prepare form, including time for reading instructions) x \$40 per hour (including administrative staff time and overhead) = \$9,600,000.

Total Annual Burden = 200,000 + 240,000 = 440,000 burden hours.

13. (1) Total capital start-up costs component annualized over its expected useful life: \$0. The collections will not require the purchase of additional equipment.  
(2) Total operation and maintenance and purchase of service component: \$0. The collections will not result in additional operation or maintenance expenses.
14. There will be few, if any costs to the Commission because notice and enforcement requirements are already part of Commission duties. Moreover, there will be minimal cost to the Federal government since an outside party will administer this program.
15. The public burden for the collections contained herein continues to be 440,000 burden hours. The collections are necessary to implement the universal service discount program for schools and libraries.
16. The Commission will make the information required by 47 C.F.R. § 54.504 publicly available on the Internet. Other non-proprietary information will likely be made publicly available although the Commission does not have specific plans for doing so at this time.
17. The Commission seeks continued approval to not display the expiration date for OMB approval of the information collections. Display of the expiration date on the forms and instructions would not be in the public interest because, after the six-month approval period, we would have to destroy all of the unused forms bearing the six-month expiration date. This would constitute waste and would not be cost effective.
18. Applicants are required to retain certain records longer than three years. Applicants must retain records to be able to demonstrate to the auditor how the entries in their application were provided.

B. Collections of Information Employing Statistical Methods.

The Commission does not anticipate that the collection of information will employ statistical methods.